(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3097 of 2007

PETITIONERS : 1. Keshav Prasad Patel s/o Niranjan Prasad Patel, Aged about 42 years, Presently posted and working as Assistant Teacher in Tribal Welfare Primary School, Konpara, Tahsil Gharghora, District Raigarh [C.G.]

2. Mohan Lal Chouhan S/o Baratu Ram Chouhan, aged about 39 years, presently posted and working as Assistant Teacher in Middle School, Saraipali, Tahsil Gharghora, District Raigarh [C.G.]

3. Narayan Prasad Rathia S/o Kunj Ram Rathia, aged about 38 years, Presently posted and working as Assistant Teacher in Middle School Bulekera, Tahsil Gharghora, District Raigarh [C.G.]

4. Satish Shrivastava S/o Devendra Lal Shrivastava, aged about 36 years, presently posted and working as Assistant Teacher in Girls Primary School Kudumkela, Tahsil Gharghora, District Raigarh [C.G.]

5. Krishna Biswas S/o Surendra Nath Biswas, aged about 39 years, presently posted and working as Assistant Teacher in Primary School Dumarpali, Tahsil Gharghora, District Raigarh [C.G.]

6. Nand Kaleshwar Sai, S/o Manjhu Sai, Aged about 43 years, Presently posted and working as Assistant Teacher in Primary School Teram, Tah. Gharghoda, District Raigarh (CG)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through the Secretary, Department of Education, D.K.S. Building, Mantralaya, Raipur, Chhattisgarh.

2. District Education Officer, Dist. Raigarh (CG)

3. Assistant Commissioner, Department of Tribal Welfare, Raigarh, District Raigarh (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(38)

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Santosh Kumar Tiwari, Advocate for the petitioners.
Shri V.V.S.Moorthy, Dy. Advocate General for the State/ respondents.

ORDER
(Passed on 12th day of June 2007)

1. Learned counsel appearing for the petitioners as well as for the State/respondents jointly submit that the fact and question of law involved in the present writ petition are the same to that of in **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}**, which has been disposed of vide order dated 03.04.2006. Learned counsel appearing for the respondents does not controvert the said submission.

2. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma* vs. *The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma* vs. *The State Govt. of Chhattisgarh and another***) (Supra).

3. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioners have acquired D.Ed. Examination Certificate on their own expenses as per the circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur